

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

ROCKLIN UNIFIED SCHOOL DISTRICT.

OAH CASE NO. 2014030783

ORDER DENYING REQUEST FOR
CONTINUANCE

On April 11, 2014, Student filed a request to continue the dates in this matter on the grounds of unavailability of Parent. On April 16, 2014, the Rocklin Unified School District filed an opposition to Student's request.

A due process hearing must be conducted and a decision rendered within 45 days of receipt of the due process notice unless an extension is granted for good cause. (34 C.F.R. § 300.515(a) & (c) (2006); Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3); Cal. Code Regs., tit. 1, § 1020.) As a result, continuances are disfavored. Good cause may include the unavailability of a party, counsel, or an essential witness due to death, illness or other excusable circumstances; substitution of an attorney when the substitution is required in the interests of justice; a party's excused inability to obtain essential testimony or other material evidence despite diligent efforts; or another significant, unanticipated change in the status of the case as a result of which the case is not ready for hearing. (See Cal. Rules of Court, rule 3.1332(c).) The Office of Administrative Hearings considers all relevant facts and circumstances, including the proximity of the hearing date; previous continuances or delays; the length of continuance requested; the availability of other means to address the problem giving rise to the request; prejudice to a party or witness as a result of a continuance; the impact of granting a continuance on other pending hearings; whether trial counsel is engaged in another trial; whether the parties have stipulated to a continuance; whether the interests of justice are served by the continuance; and any other relevant fact or circumstance. (See Cal. Rules of Court, rule 3.1332(d).)

OAH has reviewed the request for good cause and considered all relevant facts and circumstances. The request is:

☒ Denied, without prejudice. All prehearing conference and hearing dates are confirmed and shall proceed as calendared. Student contends that Parent has a conflicting matter in Independence, California, which is a three week trial beginning on April 21, 2014. There have been no prior continuances in this matter and OAH is

inclined to grant a continuance. However, Student has failed to submit sufficient information to support her request. For example, Student's request lacks a declaration, under penalty of perjury, setting forth when the trial in the conflicting matter was originally set, how long the trial is calendared for and whether the matter is capable of extending beyond the currently scheduled dates. Accordingly, the request is denied without prejudice.

IT IS SO ORDERED.

DATE: April 17, 2014

/s/

BOB N. VARMA
Presiding Administrative Law Judge
Office of Administrative Hearings